

**Proposed Amendments
to
the Public Facilities Manual (PFM)**

Amend the PFM, Section 2-0502 (Inspections), by revising paragraph 1 (Pre-construction Conference), to read as follows:

2-0502 Inspections

2-0502.1 Pre-construction Conference. Except as provided herein, a pre-construction conference shall be held prior to the commencement of any construction on a project, particularly before any clearing and grubbing are begun.

2-0502.1A Upon receipt of a request by the developer to the Director to hold a conference, the Director shall arrange for all concerned County agencies to be represented. The developer should arrange for all appropriate contractors involved in the project to be present, including, to the extent possible, all necessary utility contractors.

2-0502.1A(1) The pre-construction conference should be held within ~~3~~ 5 working days of the request.

2-0502.1A(2) To avoid undue delay in the event the County is unable to hold a conference within ~~3~~ 5 working days, the conference shall be held in no more than ~~5-10~~ working days; meanwhile the developer may proceed in strict accordance with all applicable codes, laws, and approved plans. In computing the ~~3-5~~-day or ~~5-10~~-day period, the first day shall be the date of receipt of the request from the developer.

2-0502.1B Prior to requesting a pre-construction conference the developer shall:

2-0502.1B(1) Have the project plans approved by the Director.

2-0502.1B(2) Obtain all necessary permits.

2-0502.1C Prior to the scheduled date of the pre-construction conference and the commencement of construction, the developer shall:

2-0502.1C(1) Have the clearing limits accurately flagged by the developer's engineer or surveyor with a continuous line of surveyors tape within the section of the project to be cleared. The limits of clearing and grading shall not exceed that shown on the approved plan.

2-0502.1C(2) The developer shall provide on-site copies of all approved plans, revisions, zoning conditions and regulatory specifications applicable to the project. These documents shall be retained on-site by the project superintendent through the active construction phases of the project.

2-0502.1C(3) Complete all tree-related pre-construction requirements under Section 12-0801 et seq.

2-0502.1D During the pre-construction conference representatives of the Director and the developer shall review the work shown on the approved plan and the sequence of conservation and construction tasks. The flagged limits of clearing and grading shall be walked by the representatives, and approved by the Directors representative, prior to commencement of clearing and grading, unless the County is unable to hold a pre-construction conference within 3 working days as stated in 2-0502.1A(2).

Amend the PFM, by revising Section 2-0105 (Monuments), to read as follows:

2-0105 Monuments

2-0105.1 Required monuments shall be iron pipe or solid iron rod not less than ½" (12mm) or more than 1" (25mm) in diameter and a minimum of 18" (450mm) in length or other permanent marker (e.g. pk nail, drill hole or etch mark). The top of all such monuments shall be set ~~above,~~ but not more than 1" (25mm) above, flush with the finished ground surface at their respective locations.

2-0105.2 In all subdivisions, these monuments shall be placed in the ground at all lot corners. Also, these monuments shall be placed at all angle points in the outer lines of the subdivision and at all points of angles and curvature in the right-of-way of all streets within the subdivision.

2-0105.3 Prior to bond release, a statement of certification by a surveyor licensed by the Commonwealth of Virginia shall be provided, certifying that all required monuments have been installed in accordance with criteria listed above, and bearing the surveyor's seal, signature and Virginia registration number.

Amend the PFM, Section 2-0601 (Agreement and Bond Establishment), by inserting paragraph 1C and revising paragraph 2B to read as follows:

2-601.1C Developer, as used in this section, shall mean any owner, builder, subdivider, or other person or entity engaged in the land development process and shall include their principals, officers, members, managers, partners, alter egos, and members of the immediate family related to any of the foregoing.

2-0601.2B The bond amount is the full amount of the cost estimate plus contingencies, engineering costs and inflation. In the event the developer has not met all the previous land development obligations in accordance with all development agreements with Fairfax County for the previous seven years, then the bond amount should include the cost estimate plus a factor of 50% of the estimate to cover administrative costs, inflation, and potential damage to existing roads or utilities.

Amend the PFM, Section 2-0601 (Agreement and Bond Establishment), by revising paragraph 4A (Acceptable Surety or Security), to read as follows:

2-0601.4 Acceptable Surety or Security. The following types of surety or security may be accepted by the County:

2-0601.4A (71-01-PFM) Corporate Bonds. This surety shall be furnished by an insurance company licensed to transact fidelity and surety insurance in Virginia and shall guarantee the full amount of the bond. The ability of the surety writer to provide satisfactory performance guarantee will be assessed by County staff in accordance with criteria reported in the latest publication of the Best Key Rating Guide and the U.S. Treasury Department Federal Register circular. Performance bonds will only be accepted (1) in amounts not exceeding those limitations identified in the U.S. Treasury Department Federal Reserve's Registry of Sureties; and (2) from sureties rated as Class A VI or better in the Best Key Rating Guide unless the corporate surety provides:

~~(1)~~ a) A cut-through agreement under which the surety and reinsurance company are jointly and severally liable in the event of the developer's default, in a form acceptable to the Director, with a reinsurance company that is rated as Class A VI or better in the latest publication of the Best Key Rating Guide; or

~~(2)~~ b) A co-surety on the bond that is rated as Class A VI or better in the latest publication of the Best Key Rating Guide.

2-0601.4A(1) Extension requests for agreements that have expired and are supported by a corporate surety bond must have the written consent of the surety provider assigned a rating of A VI or better or as otherwise specified above.

2-0601.4A(2) The developer and insurance company shall notify the Director in writing if the Best Key rating for the insurance company falls below Class A VI. The notification shall be provided to the Director no later than 45 calendar days after the Best Key rating is reported.

2-0601.4A(3) The developer shall provide a replacement agreement and security for any corporate bond provided by an insurance company whose Best Key rating has fallen to a Class B XV or lower. A complete replacement agreement shall be submitted to the Director in accordance with §2-0602 no later than 45 calendar days after a Best Key rating of B XV is reported.

Amend the PFM, Section 2-0601 (Agreement and Bond Establishment), by revising paragraph 5 (Developer Performance), to read as follows:

2-0601.5 Developer Performance. When a new agreement is submitted, County staff shall research the developer's background on past development performances in the County, and where possible, in other jurisdictions. If it is revealed that there is an association with any previous agreement which has expired, the new agreement shall not be approved without prior

notification and concurrence of the Board. The findings of the staff, along with the signed documents returned by the developer, shall be forwarded to the Bonding Committee.

2-0601.5A If the developer has not met all the previous land development obligations in accordance with all development agreements with Fairfax County as determined by the Director for the previous seven years, then a personal, corporate, or property bond will be disallowed by the Director as security for such facilities. In these cases, security for such facilities should be provided in the form of a certified check, cash escrow, or a letter of credit that meets the requirements specified herein.

Amend the PFM, Section 2-0602 (Extensions and Replacement of Agreements, Reduction of Bonds or Securities), by revising paragraph 3 to read as follows:

2-0602.3 (50-95-PFM) The developer may make a written request to the Director, on forms provided by the County, for periodic partial releases upon completion of at least 30% of the work covered by the bond; provided however, the face amount of the bond after partial release shall never be less than 10% of the amount for which the original bond was taken, as established by the original bond estimate, or the cost to complete the improvements, whichever is greater. Said partial releases may be permitted no more than three times within any twelve-month period.

2-602.3A If the developer has not met all the previous land development obligations in accordance with all development agreements with Fairfax County as determined by the Director for the previous seven years prior to the written request for partial release, the face amount of the bond after partial release shall never be less than 20% of the amount for which the original bond was taken, as established by the original bond estimate, or the cost to complete the improvements, whichever is greater. Said partial releases may be permitted no more than three times within any twelve-month period.

2-0602.3AB The reduced bond amount shall be estimated by the Director based upon the percentage complete of the bonded items. A new bond package is then prepared and forwarded to the developer.

2-0602.3BC Reduction of corporate surety by rider is acceptable. A letter of credit can be reduced by a letter from the issuing institution amending the original letter of credit, subject to all terms and conditions of the original letter.

2-0602.3CD Each reduction shall be subject to the Reduction Fee (§ 2-1000).

Amend the PFM, by renumbering Sections 7-1200 (Plates) and 7-1300 (Tables), and revising Section 7-1004.1A(3), to read as follows:

~~7-1200~~ 7-1400 PLATES

STANDARD

DESIGNATION	PLATE NO.	DESCRIPTION	SECTION
IT-2	37-7 (37M-7) <u>31A-7</u> <u>(31AM-7)</u>	Special Interstate Roadway Fixture For Major Roadways	7-1004

~~7-1300~~ 7-1500 TABLES

§7-1004.1A(3) Interstate (IT); this fixture is only used on primary roadways where the VDOT's clear zone is greater than 20 feet (6m). This fixture can be installed on wood poles (IT-1) or concrete (IT-2) see Plate ~~37-7 (37M-7)~~ 31A-7 (31AM-7).

Amend the PFM, by renumbering plate #37-7 (37M-7), Special Interstate Roadway Fixture for Major Roadways, to read #31A-7 (31AM-7) and renumbering plate #41-6 (#41M-6), Percolation Trenches, to read #41A-6 (#41AM-6).

Amend the PFM, by revising Plate #2-7 (2M-7), Standard Typical Section for Undivided Streets with Curb & Gutter, to show that the bottom of the slanted curb, rather than the top of curb, is used to establish the dimensions of "P" and the 3.5-foot separation between the back of curb and front edge of sidewalk. The modified plates are attached and the revisions are indicated by revision clouds.

Amend the PFM, by updating the notes on Plate #32-7 (32M-7), Colonial Style Fixture for Subdivision Roadways with Curb-and-Gutter. The modified plates are attached and the revisions are indicated by strike-outs and underlines.